

Message Text

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PAGE 01 STATE 257829

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ORIGIN SS-05

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DRAFTED BY C:RBLACKWILL

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S/-O:GTWOHIE

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O 220058Z NOV 74

FM SECSTATE WASHDC

TO AMEMBASSY SEOUL IMMEDIATE

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HOLD FOR SONNENFELDT

FOLLOWING REPEAT THE HAGUE 5641 ACTION SECSTATE DATED 21 NOV 74
QUOTE

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3.O. 11652: N/A

TAGS: EAIR, NL

SUBJECT: CIVAIR--CAB ORDER RE KLM SCHEDULES

REFS: (A) STATE 255857

(B) THE HAGUE 5635

1. EMBASSY APPRISED MINISTER OF TRANSPORTATION WESTERTEPP
MORNING OF NOV 21 OF DETAILS OF CAB NOV 20 ORDER NO. 74-11-83,
INCLUDING RATIONAL AND PURPOSE OF ORDER AS SPELLED OUT IN
REF A. DCM EXPLAINED THAT THIS ORDER IS FIRST STEP IN
PROVISION 213 PROCESS, BUT THAT IT WILL NOT RPT NOT
NECESSARILY LEAD TO A UNILATERAL DECISION BY THE BOARD
TO REDUCE KLM'S SERVICE ACROSS THE NORTH ATLANTIC. SUCH
A STEP, WESTERTEPP WAS TOLD, WILL DEPEND ON CAB'S
DETERMINATION, AFTER REVIEW OF KLM SCHEDULES, WHETHER
OPERATION OF SUCH SERVICE MAY BE CONTRARY TO APPLICABLE
LAW OR MAY ADVERSELY AFFECT THE PUBLIC INTEREST.

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PAGE 02 STATE 257829

2. AFTER SATISFYING HIMSELF THAT HE HAD FULLY UNDERSTOOD THE PURPORT AND SCOPE OF THE BOARD'S ORDER, WESTERTERP RECALLED HIS STATEMENT TO THE EMBASSY TWO DAYS EARLIER (REF B) THAT THE GON WOULD IMMEDIATELY REQUEST ARBITRATION UNDER ARTICLE 13 OF THE BILATERAL TREATY AT SUCH TIME AS THE US ACTED UNILATERALLY AGAINST KLM. WESTERTERP QUESTIONED WHETHER THE BOARD'S ORDER OF YESTERDAY CONSTITUTED SUCH UNILATERAL ACTION. DCM REITERATED THAT THE ORDER WAS THE FIRST STEP IN THE 213 PROCESS, THE OUTCOME OF WHICH WAS NOT KNOWN TO THE EMBASSY AT THIS TIME. WESTERTERP DECLARED THAT HE COULD NOT AFFORD TO BE IN THE POSITION OF BEING CAUGHT SHORT. HE THEREFORE ASKED FOR THE DEPARTMENT'S VIEW ON WHETHER THE BOARD'S NOV 20 ORDER OF ITSELF CONSTITUTED UNILATERAL IRREVOCABLE ACTION BY THE US.

3. COMMENT: NEITHER THE TENOR NOR TONE OF WESTERTERP'S REMARKS REFLECTED AN ITCHINESS TO PULL THE ARBITRATION TRIGGER. AT THE SAME TIME WESTERTERP EMPHATICALLY DOES NOT WANT TO BE CRITICIZED FOR HAVING WAITED TOO LONG TO REQUEST ARBITRATION IF THAT APPEARS TO THE GON TO BE ITS ONLY RECOURSE. IT WOULD APPEAR TO BE IN OUR INTEREST TO GIVE WESTERTERP A PROMPT REPLY TO HIS QUESTION SO AS TO FORESTALL ANY UNTIMELY AND PERHAPS UNNECESSARY ACTION BY THE GON.

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